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26 UNITED STATES DISTRICT COURT

27 DISTRICT OF NEVADA

28 RIMINI STREET, INC., a Nevada corporation;
 Plaintiff,

v.
 ORACLE INTERNATIONAL CORPORATION,
 a California corporation, and ORACLE
 AMERICA, INC., a Delaware
 corporation

Defendants.

ORACLE AMERICA, INC., a Delaware
 corporation; and ORACLE
 INTERNATIONAL CORPORATION, a
 California corporation,

Counterclaimants,

v.
 RIMINI STREET, INC., a Nevada corporation;
 SETH RAVIN, an individual,

Counterdefendants.

Case No 2:14-cv-01699 LRH CWH

**DECLARATION OF THOMAS S.
 HIXSON IN SUPPORT OF ORACLE'S
 OPPOSITION TO RIMINI STREET'S
 EMERGENCY MOTION AND
 ORACLE'S CROSS-MOTION FOR A
 PROTECTIVE ORDER**

1 I, Thomas S. Hixson, declare as follows:

2 1. I am an attorney admitted to practice *pro hac vice* before this Court in the above
3 captioned matter, and a partner with Morgan, Lewis & Bockius LLP, counsel of record for
4 Defendants and Counterclaimants Oracle America, Inc. and Oracle International Corporation
5 (collectively “Oracle”) in this action. I have personal knowledge of the facts stated below and
6 could and would testify to them if called upon to do so.

7 2. Attached as Exhibit A is a true and correct copy of an email dated February 9,
8 2018 from Jennafer Tryck, counsel for Rimini, to counsel for Oracle.

9 3. To date, Rimini has taken the depositions of eight individual Oracle witnesses:
10 Daniel Rogers; Nancy Schebe; Lisa Schreiber; Lily Schwartz; Jim Stonaker; Michael Solomon;
11 Robbin Henslee; Silvia Predescu. All of these depositions took place in 2017.

12 4. To date, Rimini has taken the depositions of Oracle witnesses regarding its First,
13 Second, Third (as to topic 2), and Fourth Rule 30(b)(6) Notices. These depositions took place in
14 December 2016, April 2017, January 2018, and February 2018.

15 5. To date, Rimini has taken the depositions of six third parties in this action.

16 6. The depositions of Oracle witnesses Lisa Schreiber, Lily Schwartz, and Jim
17 Stonaker took place in November 2017.

18 7. The depositions of Oracle witnesses Michael Solomon, Robbin Henslee, and
19 Silvia Predescu took place in December 2017.

20 8. The deposition of Buffy Ransom in her capacity as a Rule 30(b)(6) witness took
21 place in January 2018.

22 9. As of the date Rimini filed its emergency motion, the following Oracle witness
23 depositions had been scheduled for February 2018: Edward Screven (in his capacity as a Rule
24 30(b)(6) witness), Safra Catz, Juan Jones, Mark Hurd, and Larry Ellison.

25 10. The following Rimini witness depositions have been scheduled for February
26 2018: Stanley Corpuz, Kevin Maddock, Seth Ravin, Naveed Iftikhar, Steven Salaets (in his
27 capacity as a Rule 30(b)(6) witness), Harika Mandla, Jim Benge, Brenda Davenport, Rick Frank,
28 and Sundeept Mekala.

1 11. Attached as Exhibit B is a true and correct copy of Rimini's Fourth Notice of
2 Deposition Under Fed. R. Civ. P. 30(b)(6) to Oracle, which was served on December 18, 2017
3 and originally noticed for January 17, 2018.

4 12. Rimini deposed Oracle witness Edward Screven in his capacity as a Rule 30(b)(6)
5 witness on the topics in Rimini's Fourth 30(b)(6) Notice on February 7, 2018. The scope of the
6 testimony solicited did not encompass all of the noticed topics in Rimini's Fourth 30(b)(6)
7 Notice.

8 13. Attached as Exhibit C is a true and correct copy of Rimini's Fifth Notice of
9 Deposition Under Fed. R. Civ. P. 30(b)(6) to Oracle, which was served on January 3, 2018 and
10 noticed for February 2, 2018.

11 14. Attached as Exhibit D is a true and correct copy of an email dated January 27,
12 2018 from Chris Whittaker, counsel for Rimini, to Oracle's counsel, rejecting February 12 and
13 13, 2018, for Richard Allison's depositions in his individual capacity and as a corporate designee
14 under Fed. R. Civ. P. 30(b)(6). The same email thread includes an email dated January 24, 2018
15 from Chris Whittaker, counsel for Rimini, to Oracle's counsel, rejecting February 1 and 2, 2018,
16 for Richard Allison's depositions in his individual capacity and as a corporate designee under
17 Fed. R. Civ. P. 30(b)(6).

18 15. Attached as Exhibit E is a true and correct copy of Rimini's Sixth Notice of
19 Deposition Under Fed. R. Civ. P. 30(b)(6) to Oracle, which was served on January 16, 2018 and
20 noticed for February 27, 2018.

21 16. Attached as Exhibit F is a true and correct copy of Rimini's Seventh Notice of
22 Deposition Under Fed. R. Civ. P. 30(b)(6) to Oracle, which was served on January 25, 2018 and
23 noticed for February 27, 2018.

24 17. Attached as Exhibit G is a true and correct copy of Rimini's Eighth Notice of
25 Deposition Under Fed. R. Civ. P. 30(b)(6) to Oracle, which was served on January 30, 2018 and
26 noticed for February 26, 2018.

27 18. Attached as Exhibit H is a true and correct copy of Rimini's deposition notice of
28 Samuel Chan for February 16, 2018 which was received by Oracle on January 25, 2018.

1 19. Attached as Exhibit I is a true and correct copy of Rimini's deposition notice of
2 Charles Rozwat for February 15, 2018 which was received by Oracle on January 25, 2018.

3 20. Attached as Exhibit J is a true and correct copy of Rimini's deposition notice of
4 Gladys Lau for February 16, 2018 which was received by Oracle on February 5, 2018.

5 21. Attached as Exhibit K is a true and correct copy of Rimini's deposition notice of
6 Jennifer Affleck for February 20, 2018 which was received by Oracle on February 5, 2018.

7 22. Gladys Lau was discussed during the November 17, 2017 deposition of Lily
8 Schwartz.

9 23. Jennifer Affleck was discussed during the January 24, 2017 deposition of Tim
10 McCarthy in his capacity as a Rule 30(b)(6) witness.

11 24. Running electronic searches across Oracle's document productions indicates that
12 Gladys Lau, Jennifer Affleck, and Sam Chan are referenced in approximately 500, 3,900, and
13 2,000 documents, respectively, that were produced to Rimini on or before August 16, 2017.

14 25. Attached as Exhibit L is a true and correct copy of an email dated December 28,
15 2017 from Thomas Hixson, counsel for Oracle, to Rimini's counsel offering January 18, 2017
16 for Richard Allison's depositions in his individual capacity and as a corporate designee under
17 Fed. R. Civ. P. 30(b)(6).

18 26. Attached as Exhibit M is a true and correct copy of an email dated February 2,
19 2018 from Thomas Hixson, counsel for Oracle, to Rimini's counsel offering February 27 for
20 Charles Rozwat's deposition.

21 27. Attached as Exhibit N is a true and correct copy of an email dated February 5,
22 2018 from Frank Kennamer, counsel for Oracle, to Rimini's counsel offering February 23 for
23 Sam Chan's deposition. The same email thread includes an email dated January 31, 2018 from
24 Frank Kennamer, counsel for Oracle, to Rimini's counsel, offering February 22 for Sam Chan's
25 deposition.

26 28. Attached as Exhibit O is a true and correct copy of an email dated February 8,
27 2018 from Kathleen Hartnett, counsel for Oracle, to Rimini's counsel offering February 22 for
28 Gladys Lau's deposition. This email thread also contains an email dated February 8, 2018 from

1 Kevin Papay, counsel for Oracle, to Rimini's counsel offering February 28 for Jennifer Affleck's
2 deposition.

3 29. Mr. Rozwat has been the head of Oracle's support business since before 2014.

4 30. Attached as Exhibit P is a true and correct copy of the transcript of Richard
5 Allison's trial testimony in *Rimini I*.

6 31. Sam Chan was discussed during the November 15, 2017 deposition of Lisa
7 Schreiber.

8 32. Attached as Exhibit Q is a true and correct copy of an email dated February 8,
9 2018 from Chris Whittaker, counsel for Rimini, to Oracle's counsel confirming that Sundeep
10 Mekala has obtained a visa that will enable his deposition to proceed.

11 33. Attached as Exhibit R is a true and correct copy of an email dated February 8,
12 2018 from Nicholas Herrera, counsel for Oracle, to Rimini's counsel accepting Rimini's
13 proposed date of February 22, 2018 for the deposition of Harika Mandla.

14 34. Attached as Exhibit S is a true and correct copy of Oracle's Objections and
15 Responses to Rimini's Fifth (b)(6) Notice which was served on January 16, 2018.

16 35. Attached as Exhibit T is a true and correct copy of Oracle's Objections and
17 Responses to Rimini's Sixth (b)(6) Notice which was served on January 24, 2018.

18 36. Attached as Exhibit U is a true and correct copy of an email dated January 15,
19 2018 from Chris Whittaker, counsel for Rimini, to Oracle's counsel stating that Rimini "had
20 "assumed that Oracle would also designate Mr. Allison in response to Rimini's Fifth 30(b)(6)
21 Notice, in light of his testimony in Rimini I"

22 37. Attached as Exhibit V is a true and correct copy of relevant excerpts of the
23 deposition transcript of Robbin Henslee taken on December 7, 2017.

24 38. Attached as Exhibit W is a true and correct copy of relevant excerpts of the
25 deposition transcript of Lisa Schreiber taken on November 15, 2017.

26 39. Attached as Exhibit X is a true and correct copy of relevant excerpts of the
27 deposition transcript of Lily Schwartz taken on November 17, 2017.

28 40. Attached as Exhibit Y is a true and correct copy of relevant excerpts of the

1 deposition transcript of Jim Stonaker taken on November 28, 2017.

2 41. Attached as Exhibit Z is a true and correct copy of relevant excerpts of the
3 deposition transcript of Michael Solomon taken on December 1, 2017.

4 42. Attached as Exhibit AA is a true and correct copy of relevant excerpts of the
5 deposition transcript of Tim McCarthy in his capacity as a Rule 30(b)(6) witness taken on
6 January 24, 2017.

7 43. Attached as Exhibit BB is a true and correct copy of an email dated January 26,
8 2018 from Chris Whittaker, counsel for Rimini, to Oracle's counsel, offering Sundeep Mekala
9 for a deposition on February 28, 2018 in San Francisco if he is able to obtain a visa.

10 44. Attached as Exhibit CC is a true and correct copy of Oracle's amended deposition
11 notice of Sundeep Mekala for February 28, 2018.

12 45. Oracle has made a good faith effort to meet and confer with Rimini over the
13 issues described in its cross-motion, but the parties have been unable to resolve the disputes
14 without Court action.

15 I executed this declaration on this 9th day of February, 2018 at San Francisco, California.

16 I declare under penalty of perjury under the laws of the United States that the foregoing is
17 true and correct.

18
19 DATED: February 9, 2018

MORGAN, LEWIS & BOCKIUS LLP

20
21 By: _____ /s/ *Thomas S. Hixson*
22 Thomas S. Hixson

23
24 Attorney for Defendants and
25 Counterclaimants Oracle America, Inc. and
26 Oracle International Corporation

CERTIFICATE OF SERVICE

I certify that on February 9, 2018, I electronically transmitted the foregoing

**DECLARATION OF THOMAS S. HIXSON IN SUPPORT OF ORACLE'S OPPOSITION
TO RIMINI STREET'S EMERGENCY MOTION AND ORACLE'S CROSS-MOTION
FOR A PROTECTIVE ORDER** to the Clerk's Office using the CM/ECF System for filing and
transmittal of a Notice of Electronic Filing to all counsel in this matter; all counsel are CM/ECF
registrants.

Dated: February 9, 2018

Morgan, Lewis & Bockius LLP

By: _____ /s/ *Thomas S. Hixson*
Thomas S. Hixson

Attorney for Defendants and
Counterclaimants Oracle America, Inc. and
Oracle International Corporation